

**MEDICAL EXAMINING BOARD  
REGULAR MEETING  
MARCH 17, 2004**

**MEMBERS PRESENT:** Drs. Lief Erickson, Alfred Franger, Jon Gudeman, Ronald Grossman, Sidney Johnson, Jack Lockhart, Ian Munro, Daniel Miota, Bhupinder Saini, and Mary Cook, JD; Karen Kalishek, and Virginia Heinemann

**MEMBERS EXCUSED:** Dr. Gene Musser

**STAFF PRESENT:** Tom Ryan, Bureau Director; Colleen Baird, DRL Legal Counsel to the Board; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

**GUESTS:** Mark Grapentine, Wisconsin Medical Society; Shelley Raebel, PharmD; Mary C. Cook, PharmD

**CALL TO ORDER**

Chair Alfred Franger called the meeting to order at 8:01 a.m.

**APPROVAL OF AGENDA**

**Amendments:**

Stipulation – Channing C. Wiersema, MD  
Stipulation – Ghazwan Katmeh, MD  
Complaint – Nirav Y. Patel, MD  
Complaint – Shanu N. Kothari, MD  
Complaint - Thomas J. Schroepfel, MD  
Proposed Order on Costs- Eleazar M. Kadile, MD  
Media Request from American Medical News  
Case Status Report  
Pending Cases Report  
Three Year Cases Report  
Death Report

**MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 18, 2004**

**Amendments:**

Page 4 – Change the motion under RECESS TO CLOSED SESSION to read “Jon Gudeman moved”.

Page 5 – Change the motion under PROPOSED STIPULATION IN THE MATTER OF CASE NO. 02 MED 386, to read “Jack Lockhart voted yes”.

Page 6 – Add “CONSULTING WITH LEGAL COUNSEL – STUART M. SUSTER V. LIEF ERICKSON, JR., ET. AL. State of Wisconsin Assistant Attorney General Robert Hunter provided consultation to Board members noticed in the case. Mary Cook, JD; Jack Lockhart, MD; Jon Gudeman, MD; and Gene Musser, MD left the room and were not present for any portion of the consultation.”

Page 6 – Change the motion under BOARD ORAL EXAMINATION – ROBERT CLARK, to read “Dr. Gudeman abstained”.

**MOTION:** Bhupinder Saini moved, seconded by Virginia Heinemann, to approve the minutes of February 18, 2004, as amended. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

Tom Ryan welcomed Colleen Baird, the new DRL legal counsel to the Board.

#### **Regulatory Digest – Call for Articles:**

Dr. Saini will write an article related to pain management, FSMB guidelines, and the Board’s position on the guidelines. Dr. Grossman will work with Celina Kobs to write an article covering patient compensation funds and waivers.

#### **Board Confirmations:**

Mr. Ryan reported the latest confirmations on the Board are Mary Cook, JD; Dr. Jon Gudeman; and Dr. Gene Musser.

#### **Memorandum from Cathy Pond, Division of Credentialing:**

The Board noted the memorandum from Cathy Pond addressing the blue license change. The blue renewal license form and the temporary license form will be changed to be the bottom third page of a full-size sheet of paper. Changes were made mainly for security reasons.

#### **DRL Homeland Security Grant:**

The Department received a Homeland Security Grant which will be used for door security in the renovated office space.

#### **Efficiencies by Technology Upgrades:**

Tom Ryan noted the arrival of Janet Anderson, DOA, who is working with the Department to build in efficiencies by technology upgrades on the paperless office.

## **PRESENTATION OF PROPOSED STIPULATIONS**

DOE Attorney Jeanette Lytle presented the proposed stipulation regarding Catherine C. McKesson, M.D. This will be deliberated on in closed session.

DOE Attorney Jeanette Lytle presented the proposed stipulation regarding John Vercauteren. This will be deliberated on in closed session.

DOE Attorney Arthur Thexton presented the proposed stipulation regarding Rey R. Palop, MD. This will be deliberated on in closed session.

DOE Attorney Arthur Thexton presented the proposed stipulation regarding Channing C. Wiersema, MD. This will be deliberated on in closed session.

DOE Attorney James Polewski presented the proposed stipulation regarding Ghazwan Katmeh, MD. This will be deliberated on in closed session.

Colleen Baird, DRL counsel to the Board, presented the proposed order on costs regarding Eleazar M. Kadile, MD. This will be deliberated on in closed session.

## **REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION**

### **PT Rules Update:**

The PT rules were modified and sent back to the legislature for approval. The PT Board meets today to adopt the rules. The effective rule date will be May 1, 2004.

### **Perfusionist Rules Update:**

The perfusionist rules became effective April 1<sup>st</sup>. Work is in progress to post information relating to the rule on the website so that perfusionists are aware of the new rules.

## **MEMORANDUM FROM MAHENDR KOCHAR, MD, TO THE BOARD**

Mr. Ryan noted that there has not been a pattern of complaints about the credentialing process for MDs. Members of the Board indicated that often the process is slowed because of delays with the national credentialing authority.

Dr. Franger will contact Mahendr Kochar, UW Madison, to discuss the letter he sent. Cathy Pond may appear at a future MEB meeting to discuss the licensing process.

## **REPORT OF SCREENING COMMITTEE**

Virginia Heinemann reported the Screening Committee reviewed 46 cases. Ten cases were opened, 33 cases were not opened and three cases required more information.

## **INFORMATIONAL ITEMS**

Tom Ryan reported that the Federation is revising and updating the model guidelines on pain management and that the updates should be available for Board review in the next few weeks.

Mr. Ryan reminded the Board that any requests for speaking or writing engagements, on behalf of the Board, should be discussed by the Board and a motion should be documented covering the engagement.

Secretary Strong Hill joined the Board and briefly discussed the Department's new website, the link to the State Medical Society, and the hope that the Office of the Commissioner of Insurance will place its information online.

The Secretary also advised the Board that the legislation for three additional public member appointees had not passed. The legislation will not proceed unless it is brought back in a special session under a different bill.

## **RECESS TO CLOSED SESSION**

**MOTION:** Sidney Johnson moved, seconded by Ian Munro, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Lief Erickson, Alfred Franger-yes; Ronald Grossman-yes; Jon Gudeman-yes; Sidney Johnson-yes; Jack Lockhart-yes; Daniel Miota-yes; Ian Munro-yes; Bhupinder Saini-yes; Karen Kalishek-yes; and Mary Cook, JD-yes; and Virginia Heinemann-yes. Motion carried unanimously.

Open session recessed at 9:53 a.m.

## **PROPOSED STIPULATION IN THE MATTER OF CATHERINE C. MCKESSON, MD**

**MOTION:** Sidney Johnson moved, seconded by Ian Munro, in favor of adopting the Final Decision, Order, and Stipulation in the matter of Catherine C. McKesson, MD. Daniel Miota abstained. Motion carried.

## **PROPOSED STIPULATION IN THE MATTER OF JOHN VERCAUTEREN**

**MOTION:** Virginia Heinemann moved, seconded by Ian Munro, in favor of adopting the Final Decision, Order, and Stipulation in the matter of John Vercauteren. Daniel Miota abstained. Motion carried.

**PROPOSED STIPULATION IN THE MATTER OF REY R. PALOP, MD**

**MOTION:** Daniel Miota moved, seconded by Jack Lockhart, in favor of adopting the Final Decision, Order, and Stipulation in the matter of Rey R. Palop, MD. Ian Munro abstained. Motion carried.

**PROPOSED STIPULATION IN THE MATTER OF CHANNING C. WIERSEMA, MD**

**MOTION:** Sidney Johnson moved, seconded by Karen Kalishek, in favor of adopting the Final Decision, Order, and Stipulation in the matter of Channing C. Wiersema, MD. Bhupinder Saini abstained. Motion carried.

**PROPOSED STIPULATION IN THE MATTER OF GHAZMAN KATMEH, MD**

**MOTION:** Jon Gudeman moved, seconded by Jack Lockhart, in favor of rejecting the Stipulation in the matter of Ghazman Katmeh, MD. Ronald Grossman and Ian Munro abstained. Motion carried.

**MOTION:** Jon Gudeman moved, seconded by Jack Lockhart, in favor of Ghazman Katmeh, MD, being proctored for 6 months, and would like the summary suspension clause added to the Stipulation. Ronald Grossman and Ian Munro abstained. Motion carried.

**ISSUE A COMPLAINT - CASE NO. 02 MED 482**

**MOTION:** Sidney Johnson moved, seconded by Karen Kalishek, in favor of a finding of probable cause that the licensee conduct in case 02 MED 482 (Mark K. Jensen, MD) is unprofessional, that a complaint be issued, and that a hearing be held. Lief Erickson abstained. Motion carried.

**ISSUE A COMPLAINT - CASE NO. 03 MED 150**

**MOTION:** Ronald Grossman moved, seconded by Ian Munro, in favor of a finding of probable cause that the licensee conduct in case 03 MED 150 (Nirav Y. Patel, MD) is unprofessional, that a complaint be issued, and that a hearing be held. Daniel Miota and Jack Lockhart abstained. Motion carried.

**MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, in favor of a finding of probable cause that the licensee conduct in case 03 MED 150 (Shanu N. Kothari, MD) is unprofessional, that a complaint be issued, and that a hearing be held. Daniel Miota and Jack Lockhart abstained. Motion carried.

**MOTION:** Karen Kalishek moved, seconded by Ian Munro, in favor of a finding of probable cause that the licensee conduct in case 03 MED 150 (Thomas J. Schroepel, MD) is unprofessional, that a complaint be issued, and that a hearing be held. Daniel Miota and Jack Lockhart abstained. Motion carried.

**PROPOSED ORDER ON COSTS – ELEAZAR KADILE, MD, LS0112061MED**

**MOTION:** Ronald Grossman moved, seconded by Lief Erickson, in favor of adopting the proposed Order on Costs in the matter of Eleazar Kadile, MD, LS0112061MED. Sidney Johnson left during deliberations and abstained. Motion carried.

**ISSUE A COMPLAINT - CASE NO. 03 MED 157**

**MOTION:** Sidney Johnson moved, seconded by Virginia Heinemann, in favor of a finding of probable cause that the licensee conduct in case 03 MED 157 (Richard Clasen, MD) is unprofessional, that a complaint be issued, and that a hearing be held. Lief Erickson abstained. Motion carried.

**REQUEST REINSTATEMENT OF FULL LICENSE – NICHOLAS GIEMER**

**MOTION:** Lief Erickson moved, seconded by Daniel Miota, in favor of approving full reinstatement of license for Nicholas Giemer. Motion carried unanimously.

**REQUEST REINSTATEMENT OF FULL LICENSE – BERT DAVID COLLIER, JR**

**MOTION:** Lief Erickson moved, seconded by Sidney Johnson, in favor of approving full reinstatement of license for Bert David Collier, Jr. Motion carried unanimously.

**REQUEST REINSTATEMENT OF FULL LICENSE – MARC SMITH, DO**

**MOTION:** Ronald Grossman moved, seconded by Jack Lockhart, in favor of denying full reinstatement of license in the matter of Marc Smith, DO, contingent upon the Board receiving and reviewing a complete report from his mentor for the last three months, and a request from his mentor recommending that mentoring can end. Motion carried unanimously.

**REQUEST FOR STAY OF SUSPENSION - MARK BENSON**

**MOTION:** Daniel Miota moved, seconded by Ian Munro, in favor of granting a three month stay of suspension in the matter of Mark Benson. Motion carried unanimously.

**REQUEST FOR STAY OF SUSPENSION – SCOTT CONANT**

**MOTION:** Daniel Miota moved, seconded by Jon Gudeman, in favor of granting a three month stay of suspension in the matter of Scott Conant. Motion carried unanimously.

**REQUEST FOR STAY OF SUSPENSION – EDWARD COONEY**

**MOTION:** Daniel Miota moved, seconded by Ian Munro, in favor of granting a three month stay of suspension in the matter of Edward Cooney. Motion carried unanimously.

**REQUEST FOR STAY OF SUSPENSION – THOMAS STRICK**

**MOTION:** Virginia Heinemann moved, seconded by Ian Munro, in favor of granting a three month stay of suspension in the matter of Thomas Strick. Motion carried unanimously.

**REQUEST FOR STAY OF SUSPENSION WITH MODIFICATIONS- JEFFREY JUNIG**

**MOTION:** Sidney Johnson moved, seconded by Daniel Miota, in favor of granting a three month stay of suspension in the matter of Jeffrey Junig and reduce his urine screens to two times per month plus one extra random test per quarter. Motion carried unanimously.

**CASE CLOSINGS**

**MOTION:** Lief Erickson moved, seconded by Sidney Johnson, to close complaint **02 MED 241** for prosecutorial discretion (P1). Motion carried unanimously.

**MOTION:** Karen Kalishek moved, seconded by Lief Erickson, to close complaint **03 MED 254** for insufficient evidence. Motion carried unanimously.

**MOTION:** Sidney Johnson moved, seconded by Jack Lockhart, to close complaint **01 MED 261** for compliance gained. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Lief Erickson, to close complaint **03 MED 350** for prosecutorial discretion (P2). Motion carried unanimously.

**MOTION:** Ian Munro moved, seconded by Mary Cook, to refer complaint **03 MED 029** back to DOE for further investigation. Motion carried unanimously.

**MOTION:** Sidney Johnson moved, seconded by Jack Lockhart, to close complaint **03 MED 345** for insufficient evidence. Motion carried unanimously.

**MOTION:** Sidney Johnson moved, seconded by Ian Munro, to close complaint **00 MED 124** for administrative closure. Motion carried unanimously.

**MOTION:** Sidney Johnson moved, seconded by Virginia Heinemann, to close complaint **03 MED 006** for administrative closure. Motion carried unanimously.

**MOTION:** Ian Munro moved, seconded by Lief Erickson, to request an extension of statutory time in case **01 MED 092** until the next MEB meeting (04-21-04). Bhupinder Saini abstained. Motion carried.

**MOTION:** Jack Lockhart moved, seconded by Daniel Miota, to close case **03 MED 402** for insufficient evidence. Motion carried unanimously.

**MOTION:** Jack Lockhart moved, seconded by Daniel Miota, to close case **03 MED 467** for no violation. Bhupinder Saini abstained. Motion carried.

#### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Sidney Johnson moved, seconded by Ian Munro, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

#### **RECONVENE IN OPEN SESSION**

**MOTION:** Mary Cook moved, seconded by Ian Munro, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:58 a.m.

#### **VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Sidney Johnson moved, seconded by Bhupinder Saini, in favor of accepting all motions made during closed session. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Sidney Johnson moved, seconded by Bhupinder Saini, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:59 a.m.